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HEWLETT-PACKARD COMPANY
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EXAMINER

CHOJNACKI, MELLISSA M

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/613,151	Applicant(s) GOLDSACK, PATRICK	
	Examiner Mellissa M. Chojnacki	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on December 22, 2006, claims 1-14 have been cancelled; claims 16 have been amended, and no new claims have been added. Therefore, claims 15-16 and 18-27 are presently pending in the application.

Allowable Subject Matter

2. Claims 14-16 and 18-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, 35 U.S.C. 112, 2nd paragraph, and claim objections set forth in this Office action.

Claim Objections

3. Claims 14-16, and 18-27 are objected to because of the following informalities

Claims 15 and 27 recites the limitation “**if any**”, which defines the claim language as “intended use”. (See MPEP § 2111.04) Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests deleting “**if any**”.

Claims 16 and 18-26 are objected to because they are dependent upon objected independent claim 15. Appropriate correction is required.

Claim 15 recites the limitation “a merge operator by which”, which defines the claim language as “intended use”. (See MPEP § 2111.04) Therefore, the claim

language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Examiner suggests changing "**by which**" to "**comprising**".

Claims 16 and 18-26 are objected to because they are dependent upon objected independent claim 15. Appropriate correction is required.

Claims 16 and 18-26 are objected to because all dependent claims start with "**A** computer program product" and should be changed to "**The** computer program product" in order to have the proper antecedent basis because "**A**" suggest a new or another "computer program product".

Claims 21 and 23 are object to because they recites the limitation "comparing **its** associated group of identifiers", which renders the claims vague and indefinite because it is unclear what "**its**" signifies in the claim. Also, claims 21 and 23 recite the limitation "**if** all the identifiers", which defines the claim language as "intended use". (See MPEP § 2111.04) Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure.

Claim 24 recites the limitation "the set **so** produced", which defines the claim language as "intended use". (See MPEP § 2111.04) Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim

language that does not limit a claim to a particular structure. Examiner suggests deleting “so”.

Claim 25 is object to because it recites the limitation “the merge operator to set **specific** end values”, which renders the claims vague and indefinite because it is unclear what “**specific**” signifies in the claim.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 15-16 and 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 27 recite the limitation “a further attribute”, which is vague and indefinite because it is unclear what “further” signifies in the claim. “A further attribute” needs to be defined within the claim because it is unclear what “further” means in terms of the attribute.

Claims 15 and 27 recite the limitation “to carry out a merge operation by applying to the first and second attribute sets, as items-to-be-merged supplied as data to the apparatus”, which is vague and indefinite in terms of if this processes is done “simultaneously/Dynamically”?

Claims 15 and 27 recite the limitation “the value of the merged items is the value of a predetermined one of the items-to-be-merged”, which is vague and indefinite because it is unclear what “predetermined” signifies in the claim.

Claims 15 and 27 recite the limitation “where **both** items-to-be-merged”, which renders the claim vague and indefinite, because there is insufficient antecedent basis for this limitation for it is unclear what “**both**” is referring to in claim 15. The examiner is confused because the claim language recites “where at least one of the items-to-be-merged is a said end value” is one attribute and is “the value of the merged items is the value of a predetermined one of the items-to-be-merged” is that the second “item-to-be-merged”? Or is “**both**” referring to “first and second attribute”?

Furthermore, clarification needs to be made to the limitation “where at least one of the items-to-be-merged is a said end value, the value of the merged items is the value of a predetermined one of the items-to-be-merged;” because it is unclear what “the value of the merged items is the value of a predetermined one of the items-to-be-merged” is referring too? Is it referring to the “end value”? Clarification is needed for better understanding.

Claims 16 and 18-26 are objected to because they are dependent upon objected independent claim 15.

Claim 18 recites the limitation “to carry across to the “**resulting set**”, which renders the claim vague and indefinite, because there is insufficient antecedent basis for this limitation for it is unclear what the “**resulting set**” is in claim 15. “**Resulting**

set” is not disclosed in claim 15 and therefore it is hard for the examiner to make any antecedent assumptions as to what **“the resulting set”** signifies in the claim. Again the examiner is asking the applicant to be consistent with the terminology used within the claims in order to have proper antecedent basis and to avoid confusion, as is the case for claim 20 which discloses **“resultant set”**.

Claims 21 and 22 recites the limitations **“one said set”**, **“another set”** and **“first and second sets”**, which render the claim vague and indefinite, because there is insufficient antecedent basis for these limitations for it is unclear if **“one said set”** is referring to the **“further attribute set”** or **“first and second attribute sets”** which are disclosed in independent claim 15. Examiner asks the applicant to stay consistent with the **“full”** terms that are claimed and disclosed in the independent claim. Examiner also asks the applicant to make sure this consistence is checked and corrected, if need be, throughout the remaining claims.

Claim 24 recites the limitations **“at least on further set”**, and **“first and second sets”**, which render the claim vague and indefinite because there is insufficient antecedent basis for this limitation for it is unclear if **“at least on further set”** is the same as **“at least on further attribute set”** and **“first and second sets”** is the same as **“first and second attribute sets”** as disclosed in independent claim 15.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Art Unit: 2164

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-16 and 18-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15 and 27 are not statutory because they merely recite a number of computing steps without producing any tangible result displayed on a device (see MPEP 2106 IV.B.2.(b)). Claims 1 and 27 do not disclose a tangible and concrete result that is displayed. Correction is required.

Response to Arguments

8. Applicant's arguments filed on December 22, 2006, with respect to the rejected claims in view of the prior rejections have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 18, 2007
Mmc



CHARLES RONES
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